

Remarks/Arguments:

The rejection of claims 37-40, 42-45, 48-50 under *35 USC 102* is in error because the document (Barabi) relied on does not teach all of the claimed elements of sole independent claims 37 and 48. These claims are thus allowable, as are the included dependent claims in this rejection which depend directly or indirectly from these independent claims.

THE 35 USC 102 REJECTION

Specifically with regard to the independent claims, Barabi does not teach:

1. *A compressible member (21) – Barabi’s member 37 is not compressible*. Members 37 of Barabi are alignment posts “which are shaped to mate with the alignment slots 25” and are designed for permitting “the gross alignment of the latch cover over the socket body portion.” Col. 3, lines 24-27. These posts are fabricated of “a metal or plastic material, depending on application.” Col. 3, lines 36, 37. Examples of such materials include steel and the previously discussed “Ultem” hard plastic. There is no mention that these posts may be compressible (and especially no suggestion these might be resilient, such as in the form of a resilient pad (claim 42)). Contrarily, these must be rigid to function as required, and because of the materials defined for same.

2. *Structure (81) for bringing a housing and base member together – Humans are not structures.*

3. *An upstanding alignment member which passes through openings in a base when a housing and base member are brought together such that the base will engage the alignment member in such a manner so as to prohibit excessive force application onto electrically conductive members by compressible probes* - Barabi’s screws 65 merely pass through shoulders 23, body 17 and PCB 15 with no capability to prohibit excessive force on pins 29. Moreover, no such capability is required in Barabi because his pins 29 are “pogo” pins, which

compress by themselves (see FIGS. 4, 4A). The use of “pogo” pins alone does not prohibit or limit excessive force. The resulting compressibility merely affects stiffness of the probe force application. The magnitude of force and the stiffness of force application are independent quantities. One must correctly address both of these functional aspects in order to prohibit excessive force application.

Barabi thus fails to describe all of the elements and limitations of the independent claims in a single reference sufficiently to enable one of skill in the field of the invention to make and use the claimed invention. Attention is again respectfully directed to *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378-79 (Fed. Cir. 2001) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989). Withdrawal of the *35 USC 102* rejection is respectfully urged.

THE 35 USC 103 REJECTION

The rejection under *35 USC 103*, based on the combination of Barabi, Ramos and Higgins is also in error because such a combination inherently fails to suggest the claims (41, 46-47) rejected. (These claims are also deemed allowable because they depend from the above independent claims and thus from subject matter which is allowable.)

Specifically, with respect to claim 41 (Applicant's rotational screw 33), Higgins, when considered with Barabi, fails to suggest the language of said claim. Barabi requires a spring latch coupling for his structure, including forming a groove 47 in the lower part thereof to capture the latch. The combination would thus require serious modification to Barabi, indicating lack of suggestion. Further, Barabi requires latching on the exterior of his structure. Placement of screws such as Higgins would necessarily have to occur within the structure's interior, requiring even further modifications and thus indicating even further lack of suggestion. Moreover along these lines, interior placement would potentially interfere with the operation of screws (65) already in position and required where located. Finally, Barabi requires his latching elements to be elongated (see especially FIG. 1) to thus enhance heat sinking should the cover 19 function as

such a component (one of the uses as required by Barabi). Screws would inherently fail to provide such enhanced heat sinking capabilities.

Ramos, when combined as proposed, also fails to suggest the claim 46 and 47 invention. Ramos' cylinder (82) with its internal piston (80) must exert "opposing forces" on two elements (plate 55 and pins 56) of his structure. Col. 5, lines 6 et. seq. To do this in Barabi would require extensive modification to Barabi's structure, including removal of some parts (e.g., center post 37) and addition of others (e.g., in view of the complex structural arrangement in Ramos, added features such as biasing springs 60, a plate 64 and a center place 28. Such extensive modifications are further evidence of non-obviousness. Most importantly, even if it were possible to combine these, the claimed invention would not result. Nowhere does Applicant claim his pneumatically driven member (piston in claim 47) to exert pressure on two separate parts of his own structure.

Briefly, the three documents lack the requisite teaching, suggestion or incentive to combine these in the manner proposed and even if such a combination were possible, the instantly claimed invention would still not result. Please again refer to ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Withdrawal of the rejection under *35 USC 103* is urged.

In summary, the rejections are in error and should be withdrawn. Withdrawal thereof and allowance of the claims remaining herein is respectfully requested.

Respectfully submitted,



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